(SRI M. V. RAMA RAO.)

of control and management over the person in charge of such religious institution. And to that end, both Section 18 as well as Section 25 of the Mysore Charitable and Religious Institutions Act of 1927 will have to be modified and suitably amended. And it is precisely this that Article 26 of the Constitution disables the Government, whether of the Union or of the State, from doing. Article 26 is subject to the provisions contained in Article 31-A. The Constitution does not prevent the Legislature of a State from enacting law abolishing inam tenure or acquiring estates and paying compensation to those from whom those estates are acquired. But it does prevent under Article 26 the deprivation of the right to hold or acquire or manage property of a religious institution whatever may be its denomination. Therefore, the Government which has to incur expenditure out of the public revenues for enabling religious and charitable institutions to continue to maintain and carry on the services associated with them will also be compelled to invest itself with greater powers of control, management and supervision in respect of those institutions and to that extent impose restrictions on the rights of religious denominations to have institutions of their own and to own and administer property and to that extent lay restrictions upon the fundamental rights guaranteed by Article 26. Whether Government really mean to undertake these larger responsibilities is a matter upon which the Hon'ble the Revenue Minister must certainly be in a position to tell the House what the Government's intentions are. So far as I am concerned, I only wish to say that even if the passage of this Bill into law happens during this session, still it would be worthwhile to examine how the Supreme Court of India has interpreted the meaning, the scope and the effect of Article 26 read along with Article 31-A of the Constitution of India; and also to examine whether Section 18 of the Mysore Religious and Charitable Institutions Act is still valid law enabling the Government to intervene and take over the administration of religious and charitable institutions. With these observations, Sir, I expect that the Hon'ble the Revenue Minister who has stated that this Bill will be referred to a Select Committee will place before the Select Committee more information than he has been able to place before this House at this stage.

---

5 P.M.

DISCUSSION ON QUESTION No. 869 REGARDING S.A.S. PART II EXAMINATION.

Sri R. ANANTARAMAN (Chamarajapet).—Sir, to my question No. 869 put day before yesterday, the Hon'ble Minister for Law and Education . . .

Sri Kadidal MANJAPPA (Minister for Revenue and Public Works).—Sir, Sri A. G. Ramachandra Rao is engaged in the Legislative Council. He is replying to a debate. I have got the file relating to this and I will manage.

Sri R. ANANTARAMAN.—Sir, usually the prevailing practice in the Audit Department is the subordinate officials sit for the S.A.S. Examination and after passing the examination they will be promoted to the higher cadre as Assistant Comptrollers and Deputy Comptrollers. But unfortunately, Sir, the examinees have been very much dissatisfied and it is alleged that the examination was not fairly conducted. They have sent a petition to the Minister for Revenue. One instance they quote is that a student who has secured about 47 per cent in Book-keeping was given only 27 marks in that paper and he was made to fail just because he did not belong to a certain sect. According to the Minister the petition was forwarded to the Board and the Board has disposed of the petition but with no change at all. Sir, I learn that after the examination, even without consulting the Public Service Commission, all were promoted to the higher cadre. According to the Constitution, Article 320, sub-clause (3), the Union Public Service Commission or the State Public Service Commission, as the case may be, shall be consulted. In this case, even before consultation all these officials have been promoted. Sir,

according to the rules, passing of examination is not the only criterion but seniority and other factors will have to be taken into consideration. That is why the departmental head will have to consult the Public Service Commission in this behalf. In this case, unfortunately, I learn that no consultation was made and some subordinate officials have already been promoted to the higher cadre and it has caused so much of dissatisfaction among the officials there. If this is allowed to continue the whole machinery will break. Sir, even a day before the announcement of the results the officials were promoted. This shows . . . .

Mr. SPEAKER.—Are you sure that it was a day before the announcement of the results ?

Sri A. BHEEMAPPA NAIK (Molakalmuru).—One day after the announcement of the result, I am told.

Sri R. ANANTARAMAN.—I stand corrected, Sir. But, why were they so hasty in appointing even though it may be one day after the announcement of the results ? It shows that they were already prepared to promote some persons and these persons were made to pass in the examination. Sir, the names of the failed candidates are not made available in the answer to my question.

Mr. SPEAKER.—You have not asked for that. You have asked for the number and it is furnished.

Sri R. ANANTARAMAN.—Sir, I request the Minister to see that the dissatisfaction among the aggrieved officials is redressed. The examinations should be conducted fairly and if they have to be conducted fairly they should be conducted by the Public Service Commission. Sir, to a question put by Sri Bheemappa Naik, whether it is not constitutionally binding that examinations should be conducted by the Public Service Commission, the Minister said that he wanted 'Notice.' This has been reported in the newspapers. Sri Bheemappa Naik asked whether the Minister wants notice to be given to answer a matter relating to the Constitution as to why examinations should not be conducted by the Public Service Commission. The Minister for Revenue intervened and said that Public Service Commission could hold examinations for recruitment for service but if other examinations were to be held by the Commission such an enactment will have to be passed by the Assembly.

It is high time that there must be an examination conducted by the Public Service Commission. As Sri Bheemappa Naik says this must be above suspicion and only then there will be satisfaction among the employees of the subordinate services in the department. Otherwise, dissatisfaction will continue and that will affect the morale of the employees in the department. So with these few words I request the Government to see that a fair chance is given to all people who are there, whether they belong to one community or another. Let examinations be conducted and also at the time of promoting, not only the passing of the examination should be taken as criterion but also seniority and other considerations such as backwardness of the community may be considered.

There is another important factor. To question No. 722 put today by Sri M. Chikkalingiah the Hon'ble Chief Minister replied—

> " One was recruited in 1944 and the other in 1946. The following were the chances allowed :—
>
> Sri R. V. Subramanyam.—Passed 1st examination of the Indian Audit Department in the eighth chance and he has appeared for the second examination for the seventh time."

I learn that he is an examiner. When he has passed the first examination in the eighth chance and while undergoing attempt to pass the second examination, how can he become an examiner ? This shows that there is something wrong at the bottom of this examination. So it is better that some person who is duly qualified and who has been duly qualified by the Public Service Commission is made to be the examiner. The Public Service Commission is the competent authority to have persons appointed as examiners ; persons who are qualified and who are suitable must be appointed. And the Commission should be allowed to conduct examinations and the examina-

(SRI R. ANANTARAMAN.)

tions should be conducted fairly in the interest of the employees of that department. With these words I close my speech.

(Sri B. N. BORANNA GOWDA rose.)

Mr. SPEAKER.—No other Member except Sri V. R. Naidu who has sought permission, can be allowed to speak on this question. I will allow Sri Naidu to put only one or two questions.

(Sri V. R. NAIDU did not rise.)

Sri Kadidal MANJAPPA.—Sir, I had also received one or two complaints in regard to this matter. The complaints have been referred to the concerned Minister and I am told subsequently that the allegations made in the complaints were baseless.

Sir, till January 1952, the S.A.S. Examinations were being conducted by the Comptroller to the Government of Mysore. In January 1952, these examinations were transferred to the Board of Management for the Local Service and Pleaders' Examinations. Since then, three examinations were conducted—one in November 1952, another in May 1953 and another in November 1953. For the First Part in 1952 November examination, 105 candidates sat, out of whom 14 passed. In 1953 May examination, 109 persons sat for the First Part and 40 passed. In November 1953 Examination, 89 persons had appeared for the examination and 13 passed. For the Second Part, in 1953 May, 13 appeared and 7 passed. In November 1953, 39 appeared and 17 passed. The Hon'ble Minister for Education is the President of the Board and the Members of the Board are:

1. The Hon'ble Sri N. Balakrishnaiya, Judge, High Court of Mysore.
2. The Chief Secretary to Government.
3. The Secretary to Government, Law Department
4. The Financial Secretary to Government.
5. The Advocate-General.
6. The Revenue Commissioner in Mysore.
7. The Excise Commissioner in Mysore.
8. The Chief Conservator of Forests.

Regarding the Examiners, information is not available here. It is definitely ascertained that there is no injustice in valuing the papers and so far as examinations to be conducted hereafter, I will examine the feasibility of entrusting this work to the Public Service Commission, because under the Constitution, the functions of the Public Service Commission have been defined. They can hold examinations in connection with recruitment to services. Whether these examinations could be construed as examinations in connection with recruitment is a point to be considered.

Mr. SPEAKER.—It is promotion.

Sri Kadidal MANJAPPA.—Therefore, under Article 321 of the Constitution, there should be an enactment passed by this House to authorise the Public Service Commission to hold these examinations as well as examinations in connection with promotions. I will consider the suggestion.

Sri R. ANANTARAMAN.—What about re-valuation of the papers ?

(SRI A. G. RAMACHANDRA, RAO Minister for Law and Education, Chairman of the Board for Local Service and Pleaders' Examinations, entered the Assembly Chamber).

Sri A. G. RAMACHANDRA RAO (Minister for Law and Education).—I will consider the suggestion, Sir. Anyway the Board will be reconsidering the matter. The Board had a meeting this morning and they will consider that matter.

Sri R. ANANTARAMAN.—There is this allegation that the Book-keeping paper is not properly valued. Will you reconsider that ?

Sri A. G. RAMACHANDRA RAO.—The Board is considering that question again.

Mr. SPEAKER.—The House will now rise for the day and meet tomorrow at 8-30 A.M.

The Assembly adjourned at Fifteen Minutes past Five of the Clock to reassemble at Thirty Minutes past Eight of the Clock on Saturday, the 3rd April 1954.

WD 1581—GPB—550—6-8-54